

City of Falls Church

Meeting Date: 1/11/10	Title: Ordinance To Amend Chapter 48, Zoning, Of The Code Of The City Of Falls Church, Virginia, By Adding A New Section 48-455(3), Special Exceptions In The B-1, Limited Business District; Section 48-488(4), Special Exceptions In The B-2, Central Business District; And Section 48-523(3), Special Exceptions In The B-3, General Business District Uses; In Order To Allow By Special Exception, With Approval Criteria, Modifications To The Off-Street Parking And Loading Requirements (TO10-03)	Agenda No: 10 (b) (5)
Proposed Motions: MOVE passage of (TO10-03) on first reading; refer to the Planning Commission, Economic Development Authority, and Greater Falls Church Chamber of Commerce for recommendations; schedule second reading for February 8, 2010; and advertise according to law.		
Originating Dept. Head: Suzanne Cotellessa, GM Dev. Services SMC 1-6-10		Disposition by Council:
City Manager: Wyatt Shields 703.248.5004 FWS 1-7-10	City Attorney: John Foster 703.248.5010 JEF 1-7-10	CFO: John Tuohy 703.248.5092 JHT 01-07-2010

REQUEST

Council is requested to adopt on First Reading, and refer to Boards and Commissions an Ordinance to Amend Chapter 48 of the Official Zoning Code of the City of Falls Church by amending Sections 48-455, 48-488, and 48-523. Council is further requested to schedule a public hearing and final adoption of this ordinance on February 8, 2010.

RECOMMENDATION

Staff recommends that the City Council adopt this ordinance to amend the Zoning Code and to schedule a public hearing and final passage for February 8, 2010.

BACKGROUND

Summary

The intent of the zoning code change is to 1) provide a new, flexible land use tool to better accommodate current practices with respect to the parking and loading patterns in urban environments; 2) improve the process by which the City can review a development project in a holistic way to eliminate existing conflicts between legislative and ministerial land use actions; and 3) create a procedure for parking and loading modification requests that incorporates appropriate review criteria.

The effect of these changes is to allow the Planning Commission to review and provide recommendations on parking modification requests and to vest in the City Council the determination of what modifications are appropriate, given a specific development scenario and based on analysis of the review criteria and input from the Planning Commission and other boards and commissions. Parking and loading requirement modifications may be approved as requested, approved as amended, approved with conditions, or denied. Once approved, the permitted modifications will be carried forward to site plan as the requirement for the project.

These changes will conform with the City's adopted Comprehensive Plan and will provide additional flexibility in reviewing development proposals in the City. At a joint City Council/Planning Commission worksession on January 4, 2010, staff was provided with guidance to bring forward the ordinance for review, referral, and approval.

Methodology

Staff recommends that Sections 48-455, 48-488, and 48-523 of the City Code be amended to:

1. Add language to the B-1, B-2 and B-3 zoning district regulations to provide for a special exception process for off-street parking and loading.
2. Articulate criteria for review of parking and loading special exceptions.

Zoning Code Text Change Analysis

Comprehensive Plan Analysis

The *Comprehensive Plan* offers the following guidance with respect to regulating parking in the City:

"Evaluate parking requirements within the various districts to ensure that they will create efficiency while providing an adequate level of facilities. It does not benefit the City to have an oversupply of parking in that empty spaces do not bring revenue and have negative environmental impacts. Therefore, the City should determine if its regulations are appropriate."

As part of the zoning ordinance rewrite, the Zoning Ordinance Advisory Committee and the City's consultants are reviewing the parking ratios of other jurisdictions and working to analyze shared parking standards that may be incorporated into the minimum requirements for each zoning district. However, even with the full review and rework of by-right parking standards that is pending, it is advisable to have in place a "pressure valve" that allows for modifications to the standards when an applicant can demonstrate the appropriate benefits and mitigation of impacts of such proposals.

"Ensure that parking solutions enhance the character and efficiency of commercial areas...The City should consider possible adjustments to Zoning Ordinance requirements based on specific uses and shared parking initiatives." The proposed special exception process to modify off street parking and loading requirements would allow the Planning Commission and City Council to review parking demand within the context of specified uses in commercial locations.

Given the small size of the City and the limited area for commercial development, the Comprehensive Plan promotes the notion that the City should seek to maximize the economic potential of the City's commercial districts. By encouraging structured and shared parking providing for additional on-street parking, improving and supporting alternate modes of transportation such as transit, pedestrian and bicycle facilities, and by consideration of modified standards through the special exception process, the City can provide additional opportunities for development that efficiently uses the land available. In addition, by taking an approach to better manage the demand for parking, there are potential environmental and public health benefits and the prospect of more successful urban areas.

FISCAL IMPACT

Allowing reasonable flexibility for parking and loading standards during the development review process could support new development proposals. No immediate fiscal impact.

TIMING: Routine

(TO10-03)

AN ORDINANCE TO AMEND CHAPTER 48, ZONING, OF THE CODE OF THE CITY OF FALLS CHURCH, VIRGINIA, BY ADDING A NEW SECTION 48-455(3), SPECIAL EXCEPTIONS IN THE B-1, LIMITED BUSINESS DISTRICT; SECTION 48-488(4), SPECIAL EXCEPTIONS IN THE B-2, CENTRAL BUSINESS DISTRICT; AND SECTION 48-523(3), SPECIAL EXCEPTIONS IN THE B-3, GENERAL BUSINESS DISTRICT USES; IN ORDER TO ALLOW BY SPECIAL EXCEPTION, WITH APPROVAL CRITERIA, MODIFICATIONS TO THE OFF-STREET PARKING AND LOADING REQUIREMENTS

THE CITY OF FALLS CHURCH, VIRGINIA, HEREBY ORDAINS THAT Chapter 48, Zoning, of the Code of Falls Church, Virginia, be amended by adding new Sections 48-455(3), 48-488(4) and 48-523(3) as follows:

Sec. 48-455 Special exceptions.

City council may, by special exception, modify the requirements of this division, for the B-1 limited business district to allow:

(3) Notwithstanding any other code provisions for off street parking and loading or requirements of this chapter, City Council may, by special exception, modify the requirements of Article V, Division 2, Off-Street Parking Requirements, §48-898 through 48-1005 in accordance with the following:

a. Special exceptions shall be subject to conditions deemed necessary by the City Council to ensure compatibility with surrounding land uses and conditions and mitigate potential negative impacts.

b. At the time of application for a special exception, the applicant shall submit a Parking Demand Management Plan (PDMP) that is designed to minimize the amount of parking demand associated with the project and reduce single-occupant vehicle trips in and around the City. The PDMP shall be based on facts, projections, and commitments that may be relevant to the proposed use as follows:

1. Facts and Projections:

- nature of development and property use;
- proximity of project to public transit and other non-Single-Occupant Vehicle facilities;
- availability of and accessibility to offsite parking spaces which could serve the project;
- number of employees and their likely place of origin; and
- type and number of patrons/users of proposed parking supply and their likely place of origin.
- number of vehicle trips expected to be generated by the project and description of measures to reduce associated traffic impacts on City streets; and
- other factors required by the Planning Director.

2. Commitments:

The applicant shall make a commitment to provide parking demand management measures such as subsidized transit passes and other incentives; shuttle services; ride-sharing services; bicycle and pedestrian facilities; flexible working hours; preferential parking for Low Emission Vehicles/Zero Emission Vehicles/bicycles/carpools/vanpools (Note: this list is not meant to preclude implementation of other types of vehicle trip reduction measures). This commitment must be accompanied by a detailed description of the measures proposed to be implemented.

Each PDMP shall identify the total number of existing and proposed parking spaces at the facility and specify how many existing and proposed spaces fall within each of the following categories (explain how spaces may be used for multiple purposes):

- residential
- commercial
- non-commercial
- customer
- employee
- patient
- student
- client
- guest

Where the parking facility includes or proposes a combination of commercial and non-commercial parking spaces, the Plan shall specify how the parking facility will manage the potential commercial use of the non-commercial parking spaces and vice versa.

c. No modification or waiver of parking or loading requirements shall be granted until the applicant has clearly demonstrated that the request:

1. Will provide adequate parking for the proposed mix of uses on the site. Submission of a professional parking demand study will be required with the scope to be determined in consultation with the City Engineer and Planning Director.
2. Will not result in increased traffic congestion or otherwise negatively impact existing traffic flow or pedestrian and vehicular safety;
3. Will not be contrary to the objectives specified in the City's Comprehensive Plan;
4. Is necessary to permit the reasonable use of the subject property; and
5. Will not adversely impact adjacent property or the surrounding area.

Sec. 48-488 Special exceptions.

City council may, by special exception, modify the requirements of this division, for the B-2 central business district to allow:

(4) Notwithstanding any other code provisions for off street parking and loading or requirements of this chapter, City Council may, by special exception, modify the requirements of

Article V, Division 2, Off-Street Parking Requirements, §48-898 through 48-1005 in accordance with the following:

a. Special exceptions shall be subject to conditions deemed necessary by the City Council to ensure compatibility with surrounding land uses and conditions and mitigate potential negative impacts.

b. At the time of application for a special exception, the applicant shall submit a Parking Demand Management Plan (PDMP) that is designed to minimize the amount of parking demand associated with the project and reduce single-occupant vehicle trips in and around the City. The PDMP shall be based on facts, projections, and commitments that may be relevant to the proposed use as follows:

1. Facts and Projections:

- nature of development and property use;
- proximity of project to public transit and other non-Single-Occupant Vehicle facilities;
- availability of and accessibility to offsite parking spaces which could serve the project;
- number of employees and their likely place of origin; and
- type and number of patrons/users of proposed parking supply and their likely place of origin.
- number of vehicle trips expected to be generated by the project and description of measures to reduce associated traffic impacts on City streets; and
- other factors required by the Planning Director.

2. Commitments:

The applicant shall make a commitment to provide parking demand management measures such as subsidized transit passes and other incentives; shuttle services; ride-sharing services; bicycle and pedestrian facilities; flexible working hours; preferential parking for Low Emission Vehicles/Zero Emission Vehicles/bicycles/carpools/vanpools (Note: this list is not meant to preclude implementation of other types of vehicle trip reduction measures). This commitment must be accompanied by a detailed description of the measures proposed to be implemented.

Each PDMP shall identify the total number of existing and proposed parking spaces at the facility and specify how many existing and proposed spaces fall within each of the following categories (explain how spaces may be used for multiple purposes):

- residential
- commercial
- non-commercial
- customer
- employee
- patient
- student
- client
- guest

Where the parking facility includes or proposes a combination of commercial and non-commercial parking spaces, the Plan shall specify how the parking facility will manage the potential commercial use of the non-commercial parking spaces and vice versa.

c. No modification or waiver of parking or loading requirements shall be granted until the applicant has clearly demonstrated that the request:

6. Will provide adequate parking for the proposed mix of uses on the site. Submission of a professional parking demand study will be required with the scope to be determined in consultation with the City Engineer and Planning Director.
7. Will not result in increased traffic congestion or otherwise negatively impact existing traffic flow or pedestrian and vehicular safety;
8. Will not be contrary to the objectives specified in the City's Comprehensive Plan;
9. Is necessary to permit the reasonable use of the subject property; and
10. Will not adversely impact adjacent property or the surrounding area.

Sec. 48-523 Special exceptions.

City council may, by special exception, modify the requirements of this division, for the B-3, general business district to allow:

(3) Notwithstanding any other code provisions for off street parking and loading or requirements of this chapter, City Council may, by special exception, modify the requirements of Article V, Division 2, Off-Street Parking Requirements, §48-898 through 48-1005 in accordance with the following:

a. Special exceptions shall be subject to conditions deemed necessary by the City Council to ensure compatibility with surrounding land uses and conditions and mitigate potential negative impacts.

b. At the time of application for a special exception to reduce the minimum parking requirements for a project, the applicant shall submit a Parking Demand Management Plan (PDMP) that is designed to minimize the amount of parking demand associated with the project and reduce single-occupant vehicle trips in and around the City. The PDMP shall be based on facts, projections, and commitments that may be relevant to the proposed use as follows:

1. Facts and Projections:

- nature of development and property use;
- proximity of project to public transit and other non-Single-Occupant Vehicle facilities;
- availability of and accessibility to offsite parking spaces which could serve the project;
- number of employees and their likely place of trip origin; and
- type and number of patrons/users of proposed parking supply and their likely place of trip origin.
- number of vehicle trips expected to be generated by the project and description of measures to reduce associated traffic impacts on City streets; and
- other factors required by the Planning Director.

2. Commitments:

The applicant shall make a commitment to provide parking demand management measures such as, but not limited to, subsidized transit passes and other incentives; shuttle services; ride-sharing services; bicycle and pedestrian facilities; flexible working hours; preferential parking for Low Emission Vehicles/Zero Emission Vehicles/bicycles/carpools/vanpools. This commitment must be accompanied by a detailed description of the measures proposed to be implemented. Each PDMP shall identify the total number of existing and proposed parking spaces at the facility and specify how many existing and proposed spaces fall within each of the following categories (explain how spaces may be used for multiple purposes):

- residential
- commercial
- non-commercial
- customer
- employee
- patient
- student
- client
- guest

Where the parking facility includes or proposes a combination of commercial and non-commercial parking spaces, the Plan shall specify how the parking facility will manage the potential commercial use of the non-commercial parking spaces and vice versa.

c. No modification or waiver of parking or loading requirements shall be granted until the applicant has clearly demonstrated that the request:

1. Will provide adequate parking for the proposed mix of uses on the site. Submission of a professional parking demand study for parking reduction requests will be required with the scope to be determined in consultation with the City Engineer and Planning Director.
2. Will not result in increased traffic congestion or otherwise negatively impact existing traffic flow or pedestrian and vehicular safety;
3. Will not be contrary to the objectives specified in the City's Comprehensive Plan;
4. Is necessary to permit the reasonable use of the subject property; and
5. Will not adversely impact adjacent property or the surrounding area.

1st Reading: January 11, 2010
2nd Reading: Scheduled for February 8, 2010
(TO10-03)